

**Introduced by Senator Cannella**

February 23, 2012

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An act to amend Section 451.5 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

SB 1302, as amended, Cannella. Arson: commercial livestock farms.

Existing law creates the crime of aggravated arson, and, in pertinent part, makes a person guilty of that crime if he or she willfully, maliciously, deliberately, with premeditation, and with intent to cause injury to a person or cause damage to a property under circumstances likely to produce injury or damage, sets fire to or burns a structure, forest land, or property if one of specified aggravating factors exist, including that the property damage or other losses exceed \$6,500,000.

This bill would specify that an aggravating factor exists if the fire was set with the intent to disrupt the commercial operations of ~~a feedlot~~ *an animal feeding operation, animal feedlot*, or livestock salesyard, and the fire caused damage in excess of \$100,000. Because this bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 451.5 of the Penal Code is amended to read:

451.5. (a) Any person who willfully, maliciously, deliberately, with premeditation, and with intent to cause injury to one or more persons or to cause damage to property under circumstances likely to produce injury to one or more persons or to cause damage to one or more structures or inhabited dwellings, sets fire to, burns, or causes to be burned, or aids, counsels, or procures the burning of any residence, structure, forest land, or property is guilty of aggravated arson if one or more of the following aggravating factors exists:

(1) The defendant has been previously convicted of arson on one or more occasions within the past 10 years.

(2) (A) The fire caused property damage and other losses in excess of six million five hundred thousand dollars (\$6,500,000).

(B) In calculating the total amount of property damage and other losses under subparagraph (A), the court shall consider the cost of fire suppression. It is the intent of the Legislature that this paragraph be reviewed within five years to consider the effects of inflation on the dollar amount stated herein. For that reason, this paragraph shall remain in effect until January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2014, deletes or extends that date.

(3) The fire caused damage to, or the destruction of, five or more inhabited structures.

(4) The fire was set with the intent to disrupt the commercial operations of ~~a feedlot~~ *an animal feeding operation, animal feedlot*, or livestock salesyard, and caused property damage and other losses in excess of one hundred thousand dollars (\$100,000).

(b) Any person who is convicted under subdivision (a) shall be punished by imprisonment in the state prison for 10 years to life.

(c) Any person who is sentenced under subdivision (b) shall not be eligible for release on parole until 10 calendar years have elapsed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

1   infraction, eliminates a crime or infraction, or changes the penalty  
2   for a crime or infraction, within the meaning of Section 17556 of  
3   the Government Code, or changes the definition of a crime within  
4   the meaning of Section 6 of Article XIII B of the California  
5   Constitution.

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